

REMARKS

The Office Action of August 25, 2010, has been carefully considered.

It is noted that the Abstract of the Disclosure and the Disclosure are both objected to on formal grounds.

The drawings are objected under 37 CFR 1.83 (a).

Claims 1-16 are rejected under 35 USC 112, second paragraph.

Claims 1-8, 10-12 and 14 are rejected under 35 USC 102 (b) over the patent to Mery, et al.

Claims 9 and 13 are rejected under 35 USC 102 (b) or, in the alternative, under 35 USC 103 (a) over Mery, et al.

Claims 15 and 16 are rejected under 35 USC 103 (a) over Mery, et al. in view of the patent to Baumgartner, et al.

In connection with the Abstract of the Disclosure, Applicant has canceled the original Abstract and presented a new Abstract herewith on a separate sheet.

In connection with the objection to the Disclosure, Applicant has amended the Disclosure to include headings.

In view of these considerations it is respectfully submitted that the objections to the Abstract of the Disclosure and the Disclosure are overcome and should be withdrawn.

In connection with the objection to the Drawings, Applicant submits that the Drawings do show every feature of the invention specified in the claims. The Examiner's objection appears to arise from a misunderstanding of Figure 9. From the Examiner's objection it is clear that the Examiner understands element 10 to be the brake disk. However, the element 10 is the wheel rim. The brake disk is not shown in Figure 9, but only in Figure 10. Referring to Figure 10, it is clear that the connecting device is radially closer to the brake disk on the brake disk run-outside than on the brake disk run-inside. The disk run-outside is the right hand side in Figure 10 and Figure 12. Thus, Applicant submits that there is no contradiction between Figures 9, 10 and 12.

In view of these considerations it is respectfully submitted that the objection to the Drawings under 35 CFR 1.83 (a) is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, Applicant has amended claims 1, 8-11 and 13, and added new dependent claim 17.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness cited by the Examiner. Regarding the rejection of claim 1, Applicant refers the Examiner to

the discussion above in connection with the objection to the Drawings.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-16 under 35 USC 112, second paragraph, is overcome and should be withdrawn.

It is further respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Mery, et al., it can be seen that this patent discloses a pad and torque support assembly for a disk brake. Applicant submits that Mery, et al. do not disclose the invention recited in amended claim 1 now on file. Claim 1 now clearly sets forth that the circumferentially inner portion of the connecting device is radially closer to the brake disk on the brake disk run-outside than on the brake disk run-inside, at least in the region in which it spans the brake disk.

According to column 2, lines 11 and 12 of Mery, et al., Figure 2 is a front view of the disk brake in the direction of arrow A shown in Figure 1. Thus, Figure 2 is obviously not a sectional view taken in the main plane of the brake disk 18. Instead, Figure 2 is a view onto a front plane of lugs or projections 46. Particularly, if Figure 2 was a sectional view through the main plane of brake disk 18, the

lugs or projections 46 would not be seen in Figure 2. Furthermore, Figure 2 does not give any suggestion as to the radial distance of the circumferentially inner portion of the connecting device (part of caliper 10) from the brake disk 18 in the region in which it spans the brake disk, as in the presently claimed invention. Furthermore, Mery, et al. do not provide any information regarding this distance. Thus, at the very least, the subject matter of amended claim 1 differs from the disclosure of Mery, et al. at least in view of the last paragraph of claim 1, relating to the above mentioned radial distance.

In view of these considerations it is respectfully submitted that the rejection of claims 1-8, 10-12 and 14 under 35 USC 102 (b) and the rejection of claims 9 and 13 under 35 USC 102 (b) or, in the alternative, under 35 USC 103 (a) over the above discussed reference are overcome and should be withdrawn.

The patent to Baumgartner, et al. has also been considered. Applicant submits that this reference adds nothing to the teachings of Mery, et al. so as to suggest the present invention.

In view of these considerations it is respectfully submitted that the rejection of claims 15 and 16 under 35 USC 103 (a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 02-2275.

Respectfully submitted,



Klaus P. Stoffel Reg. No. 31,668
475 Park Avenue South
New York, NY 10016
(212) 661 8000

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KPS/ns

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October 27, 2010


Klaus P. Stoffel